



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

This ruling has been modified by court action.  
The ruling and judgment can be viewed in PDF  
format below.



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 27, 2017

Mr. Edwin Sullivan  
Counsel for Management and Training Corporation  
Oberti Sullivan L.L.P.  
712 Main Street, Suite 900  
Houston, Texas 77002

**The ruling you have requested has been amended as a result of litigation and has been attached to this document.**

OR2017-14241

Dear Mr. Sullivan:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 663343.

The Management and Training Corporation ("MTC") received a request for specified categories of information pertaining to the requestor. MTC states it has produced some of the requested information to the requestor, but claims the remaining requested information is excepted from disclosure under sections 552.107 and 552.111 of the Government Code. We have considered the claimed exceptions. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we must address the procedural obligations of MTC under section 552.301 of the Government Code, which prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(e)(1)(D), a governmental body must submit to this office within fifteen business days of receiving an open records request a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Gov't Code § 552.301(e)(1)(D). MTC received the request for information on April 4, 2017. However, as of the date of this letter, MTC has not

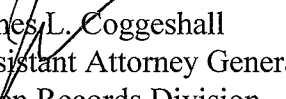
submitted a copy or representative sample of the requested information.<sup>1</sup> Therefore, MTC failed to comply with the procedural requirements mandated by section 552.301(e).

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ). Although MTC raises exceptions to disclosure, because it has not submitted the requested information for our review, we have no basis for finding any of the information excepted from disclosure. Thus, we have no choice but to order the requested information be released pursuant to section 552.302.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/bw

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<sup>1</sup>MTC indicates it has not submitted the information at issue because “to do so in this case would potentially waive the privilege against disclosure.” However, we note section 552.3035 expressly prohibits this office from disclosing information that is the subject of a request for an attorney general decision. *See Gov't Code* § 552.3035 (attorney general may not disclose to requestor or public any information submitted under section 552.301(e)(1)(D)). Accordingly, this office routinely receives and reviews information that governmental bodies seek to withhold under the Act.

Ref: ID# 663343

c: Requestor

JUN 05 2019

At 1:30 PM  
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-17-003065

MANAGEMENT AND TRAINING  
CORPORATION,

Plaintiff,

V.

KEN PAXTON, as ATTORNEY GENERAL  
OF THE STATE OF TEXAS,

Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

**AGREED ORDER OF DISMISSAL**

This is a suit under the Public Information Act (PIA), Government Code chapter 552, in which Plaintiff Management and Training Corporation sought declaratory relief from Open Records Letter Ruling OR2017-14241. Pursuant to Tex. Gov't Code § 552.327, the Court may dismiss a suit brought under the PIA if all parties agree to the dismissal and the Attorney General determines and represents to the Court that the requestor has voluntarily withdrawn the request for information or has abandoned the request.

The Attorney General has determined and represents to the Court that the requestor has withdrawn the request to the extent it encompasses the information at issue in this lawsuit. Accordingly, the Parties request that the Court enter this Agreed Order of Dismissal. The Court agrees entry of this order is appropriate.

IT IS THEREFORE ADJUDGED, ORDERED, AND DECLARED that:

1. Plaintiff's cause of action against Defendant is dismissed without prejudice upon the agreement of all Parties pursuant to Tex. Gov't Code § 552.327;
2. Plaintiff is not bound by OR2017-14241 and Plaintiff has already fully satisfied all legally required records requests within OR2017-14241, and no more action is required by Plaintiff;



3. All relief not expressly granted is denied; and

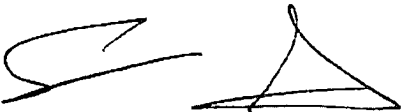
4. This Order disposes of all claims between the Parties and is final.

Signed this 5 day of June, 2019.

  
JUDGE PRESIDING

**MAYA GUERRA GAMBLE**  
**459th DISTRICT COURT**

AGREED:



EDWIN SULLIVAN  
State Bar No. 24003024  
Oberti Sullivan LLP  
712 Main Street, Suite 900  
Houston, Texas 77002  
Telephone: (713) 401-3557  
Facsimile: (713) 401-3547  
ed@osattorneys.com

ATTORNEY FOR PLAINTIFF  
MANAGEMENT & TRAINING CORPORATION



KIMBERLY FUCHS  
State Bar No. 24044140  
Assistant Attorney General  
Administrative Law Division  
ATTORNEY GENERAL OF TEXAS  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
Telephone: (512) 475-4195  
Facsimile: (512) 320-0167  
kimberly.fuchs@texasattorneygeneral.gov

ATTORNEY FOR DEFENDANT KEN PAXTON,  
ATTORNEY GENERAL OF TEXAS